

## REMARKS

### SUMMARY OF THE OFFICE ACTION

In the Office Action, Claims 1, 2, 4-12 and 14-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over David et al. (U.S. Patent No. 6,792,125) in view of Schroeder et al. (U.S. Patent No. 4,122,315) in view of Gefvert (U.S. Patent No. 4,502,149) and further in view of Kashiwabara (U.S. Patent No. 4,552,242). Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over David et al. in view of Schroeder et al. in view of Gefvert in view of Kashiwabara and further in view of Pfister (U.S. Patent No. 6,612,262).

With respect to Applicant's arguments filed December 04, 2006, the Examiner indicated that Applicant's arguments with respect to Claims 1-12 and 14-15 have been considered but are not persuasive.

### APPLICANT'S RESPONSE

#### Claim 1

In the Office Action, Claim 1 was rejected under 35 U.S.C. § 103 as being unpatentable over David et al., in view of Schroeder et al., in view of Gefvert and further in view of Kashiwabara.

Applicant's invention includes a midrange/tweeter module, supported by a yoke, which permits translation about the speaker axis. Claim 1 as amended recites "a midrange/tweeter module, comprising a midrange speaker and a separate tweeter speaker, the module being centered on the speaker axis in compressive engagement with the compression module, the module being rotatable about the central speaker axis." Applicant's invention contemplates a midrange/tweeter module that is rotatable about the central speaker axis while maintaining a three speaker coaxial configuration. Additionally, the midrange and tweeter speakers are co-located on a module and the module may translate about the central speaker axis for aiming the midrange and tweeter speakers in a particular direction.

The midrange/tweeter module being rotatable about the central speaker axis is supported in the specification. Paragraph 0004 discloses a midrange/tweeter module in compressive engagement with a compression member. Paragraph 0005 discloses the compression member formed to have a slotted outer surface for rotationally fixed engagement to the bass speaker. Thus, it is obvious that one having ordinary art in the skill would understand that because the midrange/tweeter module is engaged to the compression member, rotation of the compression member results in rotation of the module.

The ability of the module to translate and rotate about the speaker axis is highly desirable for wall or ceiling mounted speakers. Wall or ceiling mounted speakers are frequently constrained as to location, dependent upon construction of the area in which the speaker is to be mounted. Therefore, the wall mounted speaker may be installed in a location that is not optimal for directing the speakers. Thus, the ability to translate or pivot the midrange/tweeter module to aim in a particular direction addresses this problem. This is especially true for midrange and tweeter speakers because they are responsive to higher frequencies, and are therefore more directional. Furthermore, it is important to maintain or conserve the three speaker coaxial arrangement for optimum sound and frequency characteristics.

The primary reference cited to by the Examiner is the David et al. reference. The David et al. reference discloses a coaxial two speaker arrangement, with a fixed midrange speaker and a translatable, coaxial tweeter speaker. The reference does not disclose or suggest a three speaker system, with translatable tweeter/midrange speakers. To address the inadequacy of such two speaker systems, the Schroeder et al. reference discloses a three speaker system. However, these speakers are not arrayed coaxially, but rather parallel, i.e. the axis of each speaker is parallel. Moreover, the midrange and tweeter speakers are shown as fixed to the speaker frame, precluding translation of both the midrange and tweeter speakers.

The Gefvert reference also discloses a three speaker construction, wherein midrange and tweeter speakers are mounted on a common support member. However, like the construction disclosed in the Schroeder et al. reference, the three speakers are

arrayed on parallel axes, not coaxially oriented. Moreover, once installed, the tweeter/midrange unit does not appear to be translatable relative to the bass speaker. Gefvert discloses midrange and tweeter speakers capable of being removed as a module from the speaker system. (Col. 3, Lines 15-19). Thus, Gefvert does not teach, disclose, or suggest a midrange/tweeter module that is translatable or rotatable about a central speaker axis.

The Kashiwabara reference is the only cited reference which discloses a three speaker coaxial system. However, each of the three speakers appear to be in a fixed position relative to the other, i.e. non-translatable.

Applicant recognizes that 35 U.S.C. §103 does not require that the prior art disclose an operative embodiment of a claimed invention, only provide incentive to implement a construction that would be within the scope of ordinary skill in the art. However, there is no basis in the record to conclude that the implementation of a coaxial three speaker system with translatable and rotatable speakers would be an obvious expedient from the state of the art. The prior art references do not teach, suggest, or disclose a midrange/tweeter module translatable and rotatable about a central speaker axis while maintaining a co-axially aligned three speaker system.

Accordingly, Applicant requests reconsideration of the rejection of claim 1 under 35 U.S.C. §103.

Claims 2-12 and 14-15

In the Office Action, Claims 2-12 and 14-15 were rejected under 35 U.S.C. § 103(a). However, the above-identified prior art references do not address the shortcomings of the David et al., Schroeder et al., Gefvert and Kashiwabara references with respect to a three-way coaxial speaker system having a midrange/tweeter module translatable and rotatable about the central speaker axis.

Therefore, the rejection over claims 2-12 and 14-15 are believed to be in condition for allowance.

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Response to Office Action of March 08, 2007  
Attorney Docket: DANAI-125A

**CONCLUSION**

For the foregoing reasons, Applicant respectfully submits that the claims as amended are now in condition for allowance. An early notice to such effect is therefore respectfully requested. Should any outstanding matters remain, or should the Examiner have any suggestions for expediting allowance of the application, the Examiner is invited to contact Applicant's representative at the telephone number listed below.

If any additional fee is required, please charge Deposit Account #19-4330.

Respectfully submitted,

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